

UNITED STATES DISTRICT COURT

DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSHUA MICHAEL BOWDEN,

Defendant.

ORDER CONTINUING TRIAL AND
EXCLUDING TIME FROM SPEEDY
TRIAL CALCULATIONS

Case No. 2:23-cr-00376-TC

Based on Mr. Bowden's stipulated motion to continue trial and exclude time from speedy trial calculations, the court makes the following findings:

1. On October 18, 2023, the grand jury returned an indictment charging Mr. Bowden with attempted production of child pornography, coercion and enticement of a minor, transportation of child pornography, and possession of child pornography. ECF No. 1.
2. Mr. Bowden made an initial appearance October 31, 2023, which triggered the Speedy Trial Act. The court scheduled a three-day jury trial for January 8, 2024. ECF No. 7.
3. The court has granted two prior motions to continue. ECF No. 24, 26.
4. A three-day jury trial is currently set for May 28, 2024. ECF No. 27.
5. Sixty-three days have elapsed for speedy trial purposes.
6. Mr. Bowden is in pretrial detention and agrees with the proposed continuance.
7. Government counsel stipulates to the proposed continuance.
8. There are no codefendants.
9. Mr. Bowden moves for an ends-of-justice continuance under 18 U.S.C. § 3161(h)(7)(A). The charges in the case are serious and complex. Plea negotiations are ongoing.

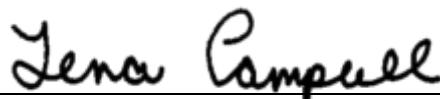
The parties have made progress towards an agreement, but more time is needed for Mr. Bowden to gather mitigation evidence and confer with counsel.

Based on these findings, the court concludes that failure to grant a continuance would deny Mr. Bowden the reasonable time necessary to complete plea negotiations and prepare for trial, if necessary, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). Under the circumstances, the ends of justice served by continuing trial outweigh the interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The continuance is not based on congestion of the court's calendar, lack of diligent preparation on the part of the United States or the defense, or failure on the part of the attorney for the United States to obtain available witnesses.

Accordingly, Mr. Bowden's stipulated motion to continue is GRANTED. The court continues the three-day jury trial set for May 28, 2024, to July 29, 2024. The court excludes the time between the current trial date and the new trial date from speedy trial calculations under 18 U.S.C. § 3161(h)(7)(A).

Dated May 20, 2024.

BY THE COURT:



TENA CAMPBELL
United States District Judge